IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.17379 of 2004

Between:

Ch. Venkataiah, S/o. Lingaiah,
R/o. Yellareddy Gudem, Narketpally (M),
Nalgonda District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region, Nalgonda

District.
2 The Depot Manager, APSRTC, Miryalaguda Bus Depot, Nalgonda

District.
3 The Depot Manager, APSRTC, Nalgonda Bus Depot, Nalgonda

District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent not paying the salary to the petitioner by computing the national increments from the date of termination to till the date of reinstatement (i.e. w.e.f 9-9-1991 to 5-9-1996) as illegal, arbitrary, and unjust and consequently direct the respondent to pay the salary to the petitioner by computing the national increments from the date of termination to till the date of

reinstatement (i.e. w.e.f 9-9-1991 to 5-9-1996).

Counsel for the Petitioner:MR.G.RAVI MOHAN.

Counsel for the Respondents.: MR.V.T.M.PRASAD.

The Court made the following :

O R D E R:

The petitioner is a Conductor in the respondent-Corporation. He was removed from service on 9-9-1991 and reinstated on 05-09-1996. Though an award dated 9-1-1996, the Industrial Tribunal directed the respondent to reinstate the petitioner without back wages but with continuity of service. Though the petitioner was reinstated, his grievance is that the respondent is not giving him the benefit of continuity of service. Therefore, he approached this Court seeking a direction to the respondent to work out the notional increments for the period during which he was out of service, and to fix his pay according to the rules. The Industrial Tribunal also directed that there shall be stoppage of two increments to the petitioner without cumulative affect.

The petitioner worked as a conductor and his reinstatement is not disputed. He is claiming the benefit of continuity of service for the period he was out of service i.e., from the date of removal till the date of reinstatement. In the light of the judgment of a Division Bench of this Court in W.A.No.428 of 2001 preferred against the W.P.No.12007 of 2001, the petitioner is entitled for the benefit and continuity of service and he is entitled for notional increments. Since this is not a case of un-authorized absence and as it is a case of ticket irregularity, the judgment of the Supreme Court in **A.P.S.R.T.C AND ANOTHER v. S. NARASA GOUD** is not applicable to the facts of this case. The respondent is therefore, directed to extend

the benefit of notional increment to the petitioner from the date of removal till the date of reinstatement i.e., 9-9-1991 to 05-09-1996 and on the basis of those notional increments to fix the pay of the petitioner for the period subsequent to the date of his reinstatement.

Accordingly, the Writ Petition is allowed. No order as to costs.

_____

28th September, 2004.

Mrb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Manager, APSRTC, Nalgonda Region, Nalgonda District.
2 The Depot Manager, APSRTC, Miryalaguda Bus Depot, Nalgonda District.
3 The Depot Manager, APSRTC, Nalgonda Bus Depot, Nalgonda District.

4. Twp CD copies